

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

ROBERT PARKER

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Plaintiff,

v.

CIVIL ACTION NO. 6:19-cv-54

EVANSTON INSURANCE COMPANY,

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§
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§
§

Defendant.

NOTICE OF REMOVAL

Defendant Evanston Insurance Company (“Evanston”), pursuant to 28 U.S.C. §§ 1441 and 1446, files this Notice of Removal of the captioned action, Cause No. CV-0082475; *Robert Parker v. Evanston Insurance Company*; In the 24th Judicial District Court, Victoria County, Texas. In support of this Notice of Removal, Evanston respectfully submits the following:

1. Robert Parker (“Plaintiff”) commenced the captioned action by filing his Original Petition on May 20, 2019, in the 24th Judicial District Court of Victoria County, Texas. Evanston was served on May 23, 2019.
2. Evanston has requested certified copies of all process, pleadings, and orders from the 24th Judicial District Court of Victoria County. As of the date of this filing, the certified copies of the state court file have not been received. Evanston will supplement this notice with the state court file on receipt. A list of the documents contained in that file is included for the Court’s review.
3. The Petition alleges that Plaintiff is an individual residing in Texas.¹ The Petition alleges that Evanston is “a ‘Foreign Surplus Lines’ insurance company licensed and authorized to engage

¹ Petition, ¶ 2.

in the business of insurance in the State of Texas.”² In fact, Evanston is an Illinois corporation with its principal place of business in Deerfield, Illinois.

4. Plaintiff seeks “in excess of \$100,000 and less than \$200,000.”³

5. Evanston does not admit the underlying facts as alleged by Plaintiff in his Original Petition or as summarized above. Evanston expressly denies that it has any liability to Plaintiff.

6. This Notice of Removal is filed within 30 days of service of the Original Petition and is therefore timely under 28 U.S.C. § 1446(b).

DIVERSITY JURISDICTION

7. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332 (a), and this matter is removable to this Court pursuant to 28 U.S.C. § 1441(a), because there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000 exclusive of interest and costs. Plaintiff is a resident of Victoria County, Texas. Evanston is incorporated in Illinois with its principal place of business in Illinois.

8. The amount in controversy exceeds the jurisdictional minimum of \$75,000 set by 28 U.S.C. § 1332(a). In the Original Petition, Plaintiff alleges he seeks monetary relief “in excess of \$100,000 and less than \$200,000.”⁴

9. On August 14, 2018, counsel for the insureds submitted a purported statutory demand letter to Evanston, setting the demand at \$77,641.38.⁵ A response to that letter went out over William Potter’s signature on October 15, 2018.

² Petition at ¶ 3.

³ Petition at ¶ 4.

⁴ Petition at ¶ 4.

⁵ Exhibit 1 to this Notice, incorporated here for all purposes.

REMOVAL PROCEDURE

10. The clerk of the 24th Judicial District Court of Victoria County, Texas has been provided notice of this Removal.

11. The following exhibits are attached to this notice and incorporated here by reference:

- a. Index of matters being filed;
- b. List of all parties and counsel of record; and
- c. Copies of pleadings, process, and orders requested from the 24th Judicial District Court of Victoria County, Texas.⁶
- d. Exhibit 1, demand letter dated August 14, 2018.

CONCLUSION

12. Based on the foregoing, the exhibits submitted in support of this removal, and other documents filed contemporaneously with this Notice of Removal, Evanston hereby removes this case to this Court for trial and determination.

Respectfully submitted,

/s/ Martin R. Sadler

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ATTORNEY-IN-CHARGE FOR DEFENDANT,
EVANSTON INSURANCE COMPANY

⁶ The state court file has been requested. We have attached copies of the documents from the state court file that are in our current possession. This Notice will be supplemented with the actual state court file on receipt.

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CERTIFICATE OF SERVICE

I hereby certify that on this the 17th day of June, 2019, a copy of the foregoing has been served upon all counsel of record in this action by ECF Filing and/or facsimile, properly addressed to:

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/s/ Martin R. Sadler

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